

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
DAVID L. TOPPIN; JENNIFER TOPPIN;	:	
DEUTSCHE BANK NATIONAL TRUST	:	
COMPANY as Trustee for RESIDENTIAL	:	
ASSET SECURITIZATION TRUST Series	:	C.A. No. 4:17-CV-40011-TSH
2013-A14, MORTGAGE PASS-THROUGH	:	
CERTIFICATES Series 2003-N;	:	
UPS CAPITAL BUSINESS CREDIT f/k/a	:	
FIRST INTERNATIONAL BANK;	:	
COMMONWEALTH OF MASSACHUSETTS;	:	
TOWN OF HOLDEN; TOWN OF AMHERST;	:	
and TOWN OF GARDNER,	:	
	:	
Defendants.	:	

ANSWER TO AMENDED COMPLAINT

Defendant Deutsche Bank National Trust Company as Trustee for Residential Asset Securitization Trust Series 2003-A14, Mortgage Pass-Through Certificates Series 2003-N (“Deutsche Bank as Trustee” or “Defendant”), responding to the Amended Complaint (“Complaint”) of plaintiff United States of America (“Plaintiff”), hereby answers and asserts its affirmative defenses as set forth below:

Facts

Jurisdiction

1. This paragraph states a legal conclusion to which no response is required.

Parties

2. The allegations in this paragraph are not directed to Deutsche Bank as Trustee, and no response is required thereto.

3. The allegations in this paragraph are not directed to Deutsche Bank as Trustee, and no response is required thereto.

4. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. Admitted.

6. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of Plaintiff's Complaint.

Tax Liabilities of David L. Toppin

11. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of Plaintiff's Complaint.

13. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of Plaintiff's Complaint.

14. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of Plaintiff's Complaint.

16. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of Plaintiff's Complaint.

21. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of Plaintiff's Complaint.

22. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of Plaintiff's Complaint.

23. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of Plaintiff's Complaint.

Tax Liabilities of Jennifer Toppin

24. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of Plaintiff's Complaint.

25. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of Plaintiff's Complaint.

26. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of Plaintiff's Complaint.

27. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of Plaintiff's Complaint.

Marital Income

28. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of Plaintiff's Complaint.

The Centerville Property

29. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of Plaintiff's Complaint.

30. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of Plaintiff's Complaint.

31. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of Plaintiff's Complaint.

32. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of Plaintiff's Complaint.

33. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of Plaintiff's Complaint.

34. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 34 of Plaintiff's Complaint.

35. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of Plaintiff's Complaint.

36. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of Plaintiff's Complaint.

The Holden Property

37. The allegations of this paragraph reference a document which, if authentic, speaks for itself.

38. The allegations of this paragraph reference a document which, if authentic, speaks for itself.

39. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of Plaintiff's Complaint.

40. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of Plaintiff's Complaint.

41. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of Plaintiff's Complaint.

The Amherst Property

42. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of Plaintiff's Complaint.

43. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of Plaintiff's Complaint.

44. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of Plaintiff's Complaint.

45. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of Plaintiff's Complaint.

46. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of Plaintiff's Complaint.

47. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of Plaintiff's Complaint.

48. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of Plaintiff's Complaint.

49. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of Plaintiff's Complaint.

The Gardner Property

50. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of Plaintiff's Complaint.

51. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of Plaintiff's Complaint.

52. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of Plaintiff's Complaint.

53. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of Plaintiff's Complaint.

54. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of Plaintiff's Complaint.

55. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of Plaintiff's Complaint.

56. Deutsche Bank as Trustee is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of Plaintiff's Complaint.

The United States' Tax Liens

57. The allegations in this paragraph state a legal conclusion to which no response is required.

58. The allegations in this paragraph state a legal conclusion to which no response is required.

59. The allegations of this paragraph reference a document which, if authentic, speaks for itself.

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61. The allegations of this paragraph reference a document which, if authentic, speaks for itself.

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63. The allegations of this paragraph reference a document which, if authentic, speaks for itself.

64. The allegations of this paragraph reference a document which, if authentic, speaks for itself.

Count I: Reduce David L. Toppin's Unpaid Federal Income Tax Liabilities to Judgment

65. The allegations of this paragraph state legal conclusions to which no response is required.

Count II: Reduce David L. Toppin's Unpaid Form 5329 Tax Liability to Judgment

66. The allegations of this paragraph state legal conclusions to which no response is required.

Count III: Reduce David L. Toppin's Unpaid Restitution Liabilities to Judgment

67. The allegations of this paragraph state legal conclusions to which no response is required.

Count IV: Reduce Jennifer Toppin's Unpaid Federal Income Tax Liabilities to Judgment

68. The allegations of this paragraph state legal conclusions to which no response is required.

Count V: Relief with Respect to the Holden Property

69. The allegations of this paragraph state legal conclusions to which no response is required.

70. The allegations of this paragraph state legal conclusions to which no response is required.

71. The allegations of this paragraph state legal conclusions to which no response is required.

72. The allegations of this paragraph state legal conclusions to which no response is required.

73. The allegations of this paragraph state legal conclusions to which no response is required.

Count VI: Relief with Respect to the Amherst Property

74. The allegations of this paragraph state legal conclusions to which no response is required.

75. The allegations of this paragraph state legal conclusions to which no response is required.

76. The allegations of this paragraph state legal conclusions to which no response is required.

77. The allegations of this paragraph state legal conclusions to which no response is required.

78. The allegations of this paragraph state legal conclusions to which no response is required.

Count VII: Relief with Respect to the Gardner Property

79. The allegations of this paragraph state legal conclusions to which no response is required.

80. The allegations of this paragraph state legal conclusions to which no response is required.

81. The allegations of this paragraph state legal conclusions to which no response is required.

82. The allegations of this paragraph state legal conclusions to which no response is required.

83. The allegations of this paragraph state legal conclusions to which no response is required.

The allegations set forth in the “WHEREFORE” clause of the Amended Complaint following Paragraph 83, including subsections (A) through (P), set forth Plaintiff’s prayer for relief, for which a response is not required.

AFFIRMATIVE DEFENSES

Deutsche Bank as Trustee sets forth the following affirmative defenses and reserves the right to raise additional affirmative defenses that may become apparent during the course of discovery.

First Affirmative Defense

Plaintiff's Complaint fails to state a claim upon which relief can be granted against Deutsche Bank as Trustee.

Second Affirmative Defense

Deutsche Bank as Trustee's lien on the property located at 465 Salisbury Street, Holden Massachusetts (the "Property") is superior to any other lien on the Property.

Third Affirmative Defense

Deutsche Bank as Trustee has a lien on the Property that has a priority interest in any proceeds that may be recovered from Plaintiff as a result of this action.

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR RESIDENTIAL
ASSET SECURITIZATION TRUST SERIES
2003-A14, MORTGAGE PASS-THROUGH
CERTIFICATES SERIES 2003-N

By its Attorneys,

/s/ Krystle G. Tadesse _____

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May 23, 2017

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of May, 2017, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants.

/s/ Krystle G. Tadesse